

**Frank A. Scanga, Esq. (FS 1460)**  
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**(212) 758-4040**

**Attorney for Defendant:**  
**The Kibel Companies LLC**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

-----X  
**IN RE: WORLD TRADE CENTER LOWER**  
**MANHATTAN DISASTER SITE LITIGATION**

-----X **21 MC 102(AKH)**  
**STEVEN KEPLEY and SHIELA KEPLEY,**

**Plaintiff(s),** **05CV4242 (AKH)**

**-against-**

**THE CITY OF NEW YORK, et al.**

**NOTICE OF ADOPTION OF**  
**ANSWER TO MASTER**  
**COMPLAINT**

**Defendant(s).**

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**PLEASE TAKE NOTICE** that Defendant, **THE KIBEL COMPANIES LLC** (hereinafter referred to as "KIBEL") by it's attorney, Frank A. Scanga, Esq., as and for it's response to the allegations set forth in the Complaint by Adoption (Check-Off Complaint) related to the Master Complaint filed in the above-referenced action, hereby adopts it's Answer to the Master Complaint dated, filed and served July 31, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH). The responses to all of the allegations in the Master Complaint are adopted herein and are applicable to the Check-Off Complaint served and filed herein.

**PLEASE TAKE FURTHER NOTICE** that defendant, KIBEL, reserves the right to serve and file an amended answer and specifically reserves the right to interpose a cross-claim

against any and all co-defendants.

**PLEASE TAKE FURTHER NOTICE** that defendant, KIBEL, also adopts all affirmative defenses and the jury demand herein.

**WHEREFORE**, the defendant KIBEL demands judgment dismissing the above-captioned actions as against it, together with it's costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
September 18, 2007

FRANK A. SCANGA, ESQ.  
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The Kibel Companies LLC  
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By: \_\_\_\_\_

Frank A. Scanga (FS 1460)

To: Worby Groner Edelman & Napoli Bern  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the defendant, Kibel Companies LLC's Notice of Adoption of Answer and Defenses to Master Complaint was served this 19<sup>th</sup> day of September, 2007, via regular mail on the Plaintiff's Liaison Counsel (or other persons) whose names and addresses are set forth below, by enclosing a true copy thereof, in a securely sealed, postpaid wrapper, addressed to their respective addresses, and by depositing same in the official depository maintained by the U.S. Postal Service, at 477 Madison Avenue, 21<sup>st</sup> Floor, New York, New York 10022:

To: Worby Groner Edelman & Napoli Bern  
115 Broadway, 12<sup>th</sup> Floor  
New York, NY 10006

Robert A. Grochow, Esq.  
233 Broadway, 5<sup>th</sup> Floor  
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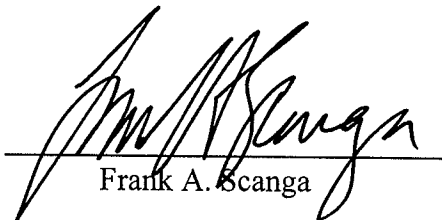
Gregory J. Cannata, Esq.  
233 Broadway, 5<sup>th</sup> Floor  
New York, New York 10279

and caused the documents to be electronically mailed via ECF to the following Defense Liaison Counsel:

James E. Tyrrell, Esq.  
Joseph Hopkins, Esq.  
Patton Boggs LLP  
1 Riverfront Plaza, 6<sup>th</sup> Floor  
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Thomas Egan, Esq.  
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All Defense Counsel

  
Frank A. Scanga